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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,888	08/28/2003	Theodore P. Kousoulis	TPK-101A	8724

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EXAMINER

WAKS, JOSEPH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,888

Applicant(s)

KOUSOULIS, THEODORE P.

Examiner

Joseph Waks

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-39 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 21-39 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

Art Unit: 2834

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In line 1, "The present invention relates" and line 8, "The invention further includes" are phrases that can be implied in line 4 and 17, "means" is a legal phraseology.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 28-40 have been renumbered to 27-39. ***Claim Rejections -***

35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 21-25, 27, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Vu (US 6,838,782).

Vu discloses invention as claimed: a conventional land vehicle having a land power means in a form of a gasoline or a diesel engine (Re column 3, lines 37-41), a storage battery (Re column 4, lines 40-43), power consuming mechanisms (Re column 4, lines 15-18) connectable to the storage battery for controlled delivery of electric power to the power consuming mechanism, a supplemental power plant 10 located on the conventional land vehicle, the supplemental power plant including a housing 20, 18, 12 holding a set of rotatable blades 22, a movable shaft 24, a generator 32 connected to the shaft, a voltage regulator 34, 44, the housing has an open front 16 and an open back 52 permitting said shaft to rotate such, that when the blades are moved by wind speed created by movement of the vehicle, the shaft rotates causing the generator to impart electricity to the voltage regulator whereby the power consuming mechanism is powered by the generator so that electrical load on the storage battery is reduced (Re column 4, lines 15-18), wires 36 38, the front end having a rectangular shape.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vu (US 6,838,782) in view of Boodman et al. (US 4,314,160).

Vu discloses the vehicle essentially as claimed. However, Vu does not disclose the radius of the housing decreasing as it approaches a rear end.

Boodman et al. disclose the radius of the housing decreasing as it approaches a rear end for the purpose of increasing the velocity of air passing through the turbine.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the vehicle as taught by Vu and to provide the radius of the housing decreasing as it approaches a rear end as taught by Boodman et al. for the purpose of increasing the velocity of air passing through the turbine.

8. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (US 1,364,472) in view of Coles et al. (US 6,467,725).

Andrews discloses a conventional air vehicle having air power means (Re lines 35-40), power consuming mechanisms, a supplemental power plant located on said conventional air vehicle, said supplemental power plant 13, 14 including a housing 33 holding rotatable blades 18, a movable shaft connected thereto and a generator 13 connected to the shaft, a voltage regulator (inside the housing 15), wherein the housing has an open front and an open back for permitting the shaft to rotate, such that when the blades are moved by wind speed created by movement of the air vehicle, the shaft is rapidly rotated causing the generator to impart electricity to the voltage regulator whereby the power consuming mechanism is powered by the generator. However, Andrews does not disclose air power means having at least one storage battery and the power consuming mechanisms connectable to the battery.

Coles et al. disclose the air vehicle having a main battery 22 for the purpose of supplying the auxiliary systems during flame out of the engines.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the air vehicle as taught by Andrews and to provide storage battery and the power consuming mechanisms connectable to the battery as taught by Coles et al. for the purpose of supplying the auxiliary systems during flame out of the engines.

Inherently, the combined system will have the electrical load on the storage battery reduced directly by the supplementary power plant generator when in operation or indirectly from the battery of the supplementary power plant pre-charged by the generator.

9. Claims '33, 34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (US 1,364,472) in view of Coles et al. (US 6,467,725) as applied to claim 30 above and further in view of Gerhardt (US 5,934,612).

The combined vehicle discloses all elements essentially as claimed. However, it does not disclose the circular housing front end and /or the radius of the housing decreasing toward the rear end.

Gerhardt discloses an aircraft having a supplementary power plant including a housing 40 having a circular front and the radius decreasing toward the rear end for the purpose of reduction of the induced draft and vortex cancellation on the aircraft wing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the combined vehicle and to provide the circular housing

Art Unit: 2834

front end and /or the radius of the housing decreasing toward the rear end as taught by Gerhardt for the purpose of reduction of the induced draft and vortex cancellation on the aircraft wing.

10. Claim 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vu (US 6,838,782) in view of Honda (JP 2001115945A).

Vu discloses the vehicle essentially as claimed. However, Vu does not disclose the vehicle being a conventional aquatic vehicle.

Honda disclose the vehicle mounted wind power plant for use in watercraft for the purpose of supplying power to portable telephone or radio communication apparatus.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design the watercraft with the features of the combined vehicle as taught above for the purpose of supplying power to portable telephone or radio communication apparatus serving a watercraft.

Response to Arguments

11. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (571) 272-2037. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph Waks
Primary Examiner
Art Unit 2834

6/8/05